

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1, 4, 5, 10, 13-21, 23-30, 32, 33, and 47-54 are pending in the present application. No claims are amended, cancelled, or added by the present response.

In the outstanding Office Action, Claims 1, 4, 5, 10, 13-21, 23-27, 29-30, 32, 33, and 47-54 were rejected under 35 U.S.C. § 103(a) as unpatentable over Daily et al. (U.S. Patent Application Publication No. 2004/0123320, herein "Daily"), Duarte (U.S. Patent No. 7,093,201, herein "Duarte"), and Twerdahl et al. (U.S. Patent Application Publication No. 2004/0221243, herein "Twerdahl"), and Claim 28 was rejected under 35 U.S.C. § 103(a) as unpatentable over Daily in view Duarte, Twerdahl, and Butler (U.S. Patent No. 6,154,199).

The rejections of the claims are respectfully traversed for the following reasons.

Briefly recapitulating, independent Claim 1 is directed to a control framework for organizing, selecting and launching media items. One of the media items is represented by a first image and other media items are represented by other images. The media items are represented by the first image and other images at a current semantic level such that the first image and the other images are displayed together. After a transitioning process, from the current semantic level to a different semantic level, the first image corresponding to the one media item is displayed without the other images of the media items and the size and the location of the first image is changed

such that the first image translates from a first location at the current semantic level to a second location at the different semantic level. Independent Claims 10, 21, 53, and 54, although different from independent Claim 1, recite similar features as independent Claim 1.

DUARTE DOES NOT TEACH OR SUGGEST CHANGING A LOCATION OF THE IMAGE WHEN TRANSITIONING FROM ONE SEMANTIC LEVEL TO A SECOND SEMANTIC LEVEL

Turning to the applied art, the outstanding Office Action recognizes in the last paragraph on page 3 that Daily does not teach or suggest “a means for transitioning as recited in claim 1” and relies on Duarte for teaching such a means. More specifically, the outstanding Office Action considers that highlighting an icon 101 (i.e., camera icon) in Figure 11 of Duarte, a size of that icon 101 is increased by the highlighting operation. Duarte describes at column 8, lines 24-38, that by highlighting the icon 101, this icon “stands out from the other icons.”

However, this disclosure of Duarte does not teach or suggest changing “the location of the first image ... such that the first image translates from a first location at the current semantic level to a second location at the different semantic level,” as recited by Claim 1. Even more, Duarte does not transition from a current semantic level to a different semantic level but rather remains at a same level.

Further, in the same paragraph, Duarte discloses that “a highlight region (represented by dotted line **102**) remains in a consistent area on the display and the

icons on the loop menu move through that region.” Even this disclosure of Duarte fails to teach or suggest changing a location of the first image when transitioning from the current semantic level to the different semantic level.

Furthermore, as recognized by the outstanding Office Action on page 4, second full paragraph, Duarte fails to display the first image, at the different semantic level, without other images that were displayed with the first image at the current semantic level.

CLAIM LANGUAGE USED BY OFFICE ACTION NOT IN THE PENDING CLAIMS

To cure only this last deficiency of Duarte, the outstanding Office Action relies on Twerdahl for teaching such a feature. More specifically, the outstanding Office Action explains in the last two paragraphs on page 4 that Figure 2 of Twerdahl illustrates the current semantic level while Figure 3 of Twerdahl illustrates the different semantic level while elements 218 and 318 correspond to the claimed first image.

It is noted that the outstanding Office Action uses, in the third full paragraph on page 4, when comparing the claim language with Twerdahl, the previous language of Claim 1, i.e., “at which one of said media items is displayed together with other media items of said media items.” This language has been **cancelled** from the claims by the last filed amendment and thus, by comparing language that does not exist in the pending claims with the applied art is believed to be improper.

At least for this reason, Applicants respectfully submit that the outstanding Office Action is improper. Applicants respectfully request that a new Office Action is issued to correct this matter.

SECTION OF TWERDAHL RELIED BY OFFICE ACTION NOT PRIOR ART

Further, the outstanding Office Action considers that Twerdahl shows in Figures 2 and 3 element 218 and element 318, respectively, that correspond to the claimed first image. The outstanding Office Action explains in the paragraph bridging pages 18 and 19 of the Response to Arguments Section, that this assertion is true because Twerdahl discloses in paragraph [0020] that "[a] second central object 318 can be the same as the first central object 218."

However, this disclosure in paragraph [0020] of Twerdahl does not find support in the provisional application No. 60/467,164, from which Twerdahl claims priority. In this respect, the provisional application only discloses on page 3, first full paragraph, last two lines, that "[t]he central object 318, depicting an 'up one level' symbol, may be selected by the user to return to the first level menu 200." However, Figures 2 and 3 of the provisional application clearly show the central object 318 being different from the central object 218.

Because paragraph [0020] of Twerdahl, on which the outstanding Office Action relies, does not find support in the provisional application, it is respectfully submitted that this paragraph of Twerdahl has a filing date of April 16, 2004, which is after the actual filing date of this application, i.e., January 30, 2004.

Therefore, it is respectfully submitted that the Office cannot rely on paragraph [0020] of Twerdahl because that paragraph of Twerdahl is not prior art.

Accordingly, it is respectfully submitted that the combination of Daily, Duarte, and Twerdahl is improper.

COMBINATION OF APPLIED ART FAILS TO TEACH EACH CLAIMED FEATURE

Even if the combination of the above noted references is proper, Applicants further submit that the combination of these references does not teach or suggest (1) changing a location of the first image when transitioning from the current semantic level to the different semantic level and (2) displaying the first image from the current semantic level at the different semantic level without the other images from the current semantic level.

Thus, it is respectfully submitted that independent Claims 1, 10, 21, 53, and 54 and the claims depending therefrom patentably distinguish over Daily, Duarte, and Twerdahl, either alone or in combination.

Consequently, in light of the above discussion, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested. Should the Examiner has any questions regarding this response or the application in general, he is invited to contact the undersigned at (540) 361-2601.

Respectfully submitted,

POTOMAC PATENT GROUP PLLC

By: /Remus F. Fetea/
Remus F. Fetea, Ph.D.
Registration No. 59,140

Date: November 14, 2008
Customer No. 42015
Potomac Patent Group PLLC
P.O. Box 270
Fredericksburg, VA 22404
(540) 361-2601